

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASTRAZENECA AB, ASTRAZENECA LP,
KBI-E INC., and POZEN INC.,

Plaintiffs,

v.

DR. REDDY'S LABORATORIES INC. and
DR. REDDY'S LABORATORIES LTD.,

Defendants.

CIVIL ACTION NO.
11-cv-02317-JAP-DEA

(Consolidated for discovery purposes
with Civil Action No.
11-cv-04275-JAP-DEA)

ASTRAZENECA AB, ASTRAZENECA LP,
KBI-E INC., and POZEN INC.,

Plaintiffs,

v.

LUPIN LTD. and LUPIN
PHARMACEUTICALS INC.,

Defendants.

CIVIL ACTION NO.
11-cv-04275-JAP-DEA

**DECLARATION OF ERICA N. ANDERSEN IN SUPPORT OF
PLAINTIFFS' OPENING *MARKMAN* SUBMISSION**

I, Erica N. Andersen, declare as follows:

1. I am an associate in the law firm of Covington & Burling LLP. The following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently to them. I submit this declaration in support of AstraZeneca AB; AstraZeneca LP; KBI-E Inc.; and Pozen Inc.'s ("Plaintiffs'") Opening *Markman* Submission.

2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,926,907.
3. Attached hereto as Exhibit 2 is a true and correct copy of the May 31, 2002 Initial Application, submitted during prosecution of U.S. Patent No. 6,926,907.
4. Attached hereto as Exhibit 3 is a true and correct copy of the November 19, 2004 Response, submitted during prosecution of U.S. Patent No. 6,926,907.
5. Attached hereto as Exhibit 4 is a true and correct copy of the October 17, 2003 Preliminary Amendment, submitted during prosecution of U.S. Patent No. 6,926,907.
6. Attached hereto as Exhibit 5 is a true and correct copy of U.S. Patent No. 6,875,872.
7. Attached hereto as Exhibit 6 is a true and correct copy of the Parties' Joint Claim Construction and Prehearing Statement, *AstraZeneca AB v. Dr. Reddy's Laboratories, et al.*, Civ. Action No. 11-2317 (D.N.J. March 21, 2012) (JAP) (DEA) (Dkt. No. 50).
8. Attached hereto as Exhibit 7 is a true and correct copy of U.S. Patent No. 5,714,504.
9. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Patent No. 6,369,085.
10. Attached hereto as Exhibit 9 is a true and correct copy of U.S. Patent No. 7,411,070.
11. Attached hereto as Exhibit 10 is a true and correct copy of U.S. Patent No. 7,745,466.
12. Attached hereto as Exhibit 11 is a true and correct copy of the Declaration of Frans W. Langkilde, dated April 24, 2001, submitted during prosecution of U.S. Patent No. 6,369,085.

13. Attached hereto as Exhibit 12 is a true and correct copy of U.S. Application No. 09/077,719, submitted during prosecution of U.S. Patent No. 6,369,085.

14. Attached hereto as Exhibit 13 is a true and correct copy of the April 29, 2005 Final Rejection from the prosecution of U.S. Patent No. 7,411,070.

15. Attached hereto as Exhibit 14 is a true and correct copy of the November 21, 2005 Non-Final Rejection from the prosecution of U.S. Patent No. 7,411,070.

16. Attached hereto as Exhibit 15 is a true and correct copy of the August 10, 2006 Final Rejection from the prosecution of U.S. Patent No. 7,411,070.

17. Attached hereto as Exhibit 16 is a true and correct copy of the April 19, 2007 Appeal Brief, submitted during prosecution of U.S. Patent No. 7,411,070.

18. Attached hereto as Exhibit 17 is a true and correct copy of the August 14, 2007 Non-Final Rejection from the prosecution of U.S. Patent No. 7,411,070.

19. Attached hereto as Exhibit 18 is a true and correct copy of page 130 of the James Trefil, *Encyclopedia of Science and Technology*, The Reference Works, Inc. (2001).

20. Attached hereto as Exhibit 19 is a true and correct copy of page 199 of *The American Heritage Stedman's Medical Dictionary*, Houghton Mifflin Co. (2002).

21. Attached hereto as Exhibit 20 is a true and correct copy of Vesa-Pekka Lehto et al., *The comparison of seven different methods to quantify the amorphous content of spray dried lactose*, 167 Powder Technology 2:85–93 (Sept. 15, 2006).

22. Attached hereto as Exhibit 21 is a true and correct copy of Andrea Heinz et al., *Characterizing an Amorphous System Exhibiting Trace Crystallinity: A Case Study with Saquinavir*, 8 Crystal Growth & Design 1:119–27 (Jan. 2008).

23. Attached hereto as Exhibit 22 is a true and correct copy of Birju Shah, Vasu Kumar Kakumanu & Arvind K. Bansal, *Analytical Techniques for Quantification of Amorphous/Crystalline Phases in Pharmaceutical Solids*, 95 J. of Pharmaceutical Sciences 8:1641–65 (Aug. 2006).

24. Attached hereto as Exhibit 23 is a true and correct copy of page 139 of Stephen R. Byrn, Ralph R. Pfeiffer, Joseph G. Stowell, *Solid State Chemistry of Drugs* (2d ed. 1999).

I declare under penalty of perjury that the forgoing is true and correct

Executed on May 9, 2012 at Washington, D.C.

By: _____

Erica N. Andersen